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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,327	06/01/2005	Douglas Rawson-Harris	P4732-2	9145
2352 7590 04/02/2008 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
FIGUEROA, ADRIANA				
ART UNIT		PAPER NUMBER		
3633				
MAIL DATE		DELIVERY MODE		
04/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/532,327

**Applicant(s)**

RAWSON-HARRIS, DOUGLAS

**Examiner**

Adriana Figueroa

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/10/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 10, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Krikorian (US 3,519,292). Regarding claims 1 and 17, McClasky discloses at least one tubular column (12L) having at least two longitudinally extending external tracks (62) integrally disposed therein, each of said external tracks having a respective groove (g) adjacent thereto, said respective groove being disposed within the interior of said column, (Figures 1, annotated Figure 6). McClasky does not disclose at least an item being an arm passing through the interior of said column by a hole in said column, said arm being fixedly

engaged with at least one of said grooves at a location opposite said hole in such a manner that said arm is prevented from rotating, wherein a tongue is connected to an end of said arm where said arm is fixedly engaged with said at least one of said grooves, said tongue being adapted to engage with said at least one of said grooves.

However, Krikorian teaches at least one tubular column (10); at least an item being an arm (24) passing through the interior of said column by a hole (18) in said column, wherein a tongue (26) is connected to an end of said arm, (Figures 1, 2). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky to include an arm as taught by Krikorian in order to provide support for a signboard.

The modified pole assembly of McClasky and Krikorian would have the arm being fixedly engaged with at least one of said grooves at a location opposite the hole in such a manner that said arm is prevented from rotating, and the tongue would be adapted to engage with said at least one of said grooves providing a more secure connection.

Regarding claims 4 and 5, McClasky modified by Krikorian discloses a tubular section (12L') telescopically extending from said column (12L), having at least an internal track (62'), (Figures 1, 6). McClasky does not disclose the tubular section being round. However, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have a round tubular section since such a modification would have involved a mere change in the shape of

the component. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

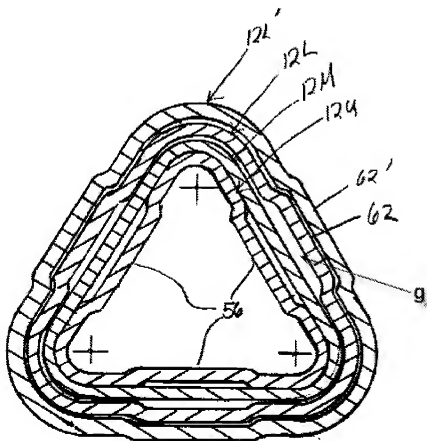
Regarding claim 10, McClasky modified by Krikorian discloses the round tubular section (12U) projecting from the upper end of said column (2L), (Figures 1, 6).

Regarding claim 11, McClasky modified by Krikorian discloses said round tubular section (12L') projecting from the lower end of said column (2L), (Figures 1, 6).

Regarding claim 17, McClasky discloses at least one tubular column (12L) having at least two longitudinally extending external tracks (62) integrally disposed therein, each of said external tracks having a respective groove (g), said respective groove being disposed within the interior of said column, a respective portion of a wall of said at least one tubular column forming each of said external tracks, said respective groove (g) being located in said respective portion of said wall, (Figures 1, annotated Figure 6). McClasky does not disclose at least an item being an arm passing through the interior of said column by a hole in said column, said arm being fixedly engaged with at least one of said grooves at a location opposite said hole. However, Krikorian teaches at least one tubular column (10); at least an item being an arm (24) passing through the interior of said column by a hole (18) in said column, said arm being fixedly engaged at a location opposite said hole, (Figures 1, 2). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky to include an arm as taught by Krikorian in order to provide support for a signboard.

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The modified pole assembly of McClasky and Krikorian would have the arm being fixedly engaged with at least one of said grooves at a location opposite the hole providing a more secure connection.

**FIG. 6**

McClasky (US 6,343,568)

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3. Claims 3, 7-9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Krikorian (US 3,519,292) and further in view of Kim (US 6,550,731).

Regarding claim 3, McClasky modified by Krikorian discloses as discussed in claim 1, but does not disclose a reinforcing sleeve being internally fitted along at least a portion of said tubular column. However, Kim discloses a reinforcing sleeve (7) being internally fitted along at least a portion of said tubular column (10), (Figures 2, 3).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Krikorian to include a reinforcing sleeve as taught by Kim in order to provide a connector element that would allow for receiving a pole cap.

Regarding claim 7, McClasky modified by Krikorian discloses as discussed in claim 1, but does not disclose a deformable clamp block adapted to interconnect said at least one item to said column and said deformable clamp block engages with at least one of said external tracks of said column. However, Kim discloses a deformable clamp block (3) that is adapted to interconnect at least one item (30) to said column (10) and said deformable clamp block engages with at least one of said external tracks (2) of said column, (Figures 2, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Krikorian to include a deformable clamp block as taught by Kim in order to provide a stronger connection between the arm and the column.

Regarding claim 8, McClasky modified by Krikorian discloses as discussed above but does not disclose said deformable clamp block is adapted to be relatively movable with respect to said column to allow an angular adjustment of said at least one item relative to the longitudinal axis of said column. However, Kim also discloses said deformable clamp block (3) is adapted to be relatively movable with respect to said column (10) to allow an angular adjustment of said at least one item (30) relative to the longitudinal axis of said column, (Figures 2, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Krikorian to include a deformable clamp that is movable as taught by Kim in order to provide the option of positioning the arm at different locations as needed.

Regarding claim 9, McClasky modified by Krikorian discloses as discussed in claim 1, but does not disclose said pole assembly further comprises a ventilated pole cap. However, Kim discloses said pole assembly further comprises a ventilated pole cap (9), (Figure 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of Krikorian McClasky and Krikorian to include a pole cap as taught by Kim in order to provide a cover to the pole assembly.

Regarding claim 16, McClasky modified by Krikorian discloses as discussed in claim 1, but does not disclose said at least one item is a sign, a streetlight, traffic signal, pedestrian signal, security camera or banner. However, Kim discloses said at least one item (30) is a sign, (Figure 3), (Column 2, Lines 48-49). Therefore, it would have been



obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Krikorian to include a sign as taught by Kim in order to allow the pole assembly to have a sign with directions.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Krikorian (US 3,519,292) and further in view of Kim (US 6,898,882). McClasky modified by Krikorian discloses as discussed in claim 1, but does not disclose the pole assembly having at least one fluted cladding member secured to said column by at least two circular collars. However, Kim discloses a pole assembly having at least one fluted cladding member (20) secured to said column (10) by at least two circular collars (21, 25), (Figure 5). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Krikorian to include a fluted cladding member as taught by Kim in order to provide a protection to the pole from damage and breakage due to collision with automobiles.

5. Claims 12 -14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Krikorian (US 3,519,292) and further in view of Lurkis (US 3,343,322).

Regarding claims 12 and 13, McClasky modified by Krikorian discloses as discussed in claim 11, but does not disclose said round tubular section is connected to a base member that is fully mounted within a drainage pit. However, Lurkis teaches a

round tubular section (13) that is connected to a base member (21, 22), and is fully mounted within a drainage pit (10), (Figure 2). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of McClasky and Krikorian to have a base member that is fully mounted within a drainage pit as taught by Lurkis in order to provide an easy to assemble support for the pole.

Regarding claim 14, McClasky modified by Krikorian and Lurkis discloses as discussed above, Lurkis also teaches said pit (10) is covered by a lid (14) and at least two jacking screws (31) are located in said drainage pit, (Figures 1, 2), for adjustment of the height of said lid relative to surrounding ground level.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McClasky (US 6,343,568) in view of Krikorian (US 3,519,292), Lurkis (US 3,343,322) and further in view of Kim (US 6,898,882). McClasky modified by Krikorian and Lurkis discloses as discussed in claim 14, but does not disclose at least one fluted cladding member that is secured to said column by at least an upper circular collar and a lower circular collar, and the bottom of said lower circular collar is seated on a ridge disposed on said lid.

However, Kim teaches at least one fluted cladding member (20) that is secured to said column (10) by at least an upper circular collar (25) and a lower circular collar (21), (Figures 2, 3). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the pole assembly of

McClasky, Krikorian and Lurkis to include a fluted cladding member as taught by Kim in order to provide a cover that would protect the post from damage due to collision with automobiles.

Lurkis also discloses a ridge (20) disposed on said lid (14), (Figure 1). The modified pole assembly of McClasky, Krikorian, Lurkis and Kim would have the bottom of said lower circular collar seated on a ridge (20) disposed on said lid (14).

### ***Response to Arguments***

7. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Examiner wants to note that the element 26 of Krikorian is considered to be a tongue. The modified pole assembly of McClasky and Krikorian would have the arm being fixedly engaged with at least one of said grooves at a location opposite the hole, the tongue being adapted to engage with the groove providing a more secure connection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goldsworthy (US 5,285,613) teaches a joint between a tubular column having a groove and a horizontal member passing through the interior of the column and having a tongue engaging the horizontal member with the groove.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. F./  
Examiner, Art Unit 3633  
03/26/2008

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633